

**In the Claims**

Please cancel claims 5 and 6.

1. A drive apparatus for performing a pseudo-overwrite recording for a write-once recording medium, wherein

the write-once recording medium includes a spare area and a user data area,  
at least one track are allocated in the user data area,

the drive apparatus comprising:

a recording/reproduction section for performing a recording operation or a reproduction operation for the write-once recording medium; and

a drive control section for controlling the recording/reproduction section,

wherein the drive control section performs a process including:

receiving a recording instruction including a location at which data is to be recorded;

determining a track among at least one tracks corresponding to the location included in the recording instruction;

controlling the recording/reproduction section to record data at a replacement location in the user data area instead of the location included in the recording instruction;

determining whether or not the recording of the data at the replacement location in the user data area has succeeded; and

when the recording of the data at the replacement location in the user data area has failed, controlling the recording/reproduction section to record the data at a location in the spare area.

2. A drive apparatus according to claim 1, wherein the drive control section performs a process further including:  
determining whether or not the recording of the data at the location in the spare area has succeeded; and  
when the recording of the data at the location in the spare area has failed, controlling the recording/reproduction section to record the data in the spare area until the recording of the data in the spare area has succeeded.
3. A drive apparatus according to claim 1, wherein the determined track is an open track.
4. A drive apparatus according to claim 1, wherein the determined track is a closed track having an unrecorded area.
5. (Cancelled)
6. (Cancelled)